

KURZMAN EISENBERG CORBIN & LEVER, LLP

ATTORNEYS AT LAW

ONE NORTH BROADWAY, 12TH FLOOR
WHITE PLAINS, NEW YORK 10601

TEL: (914) 285-9800
FAX: (914) 285-9855

**CORRESPONDENCE SHOULD BE
SENT TO THE WHITE PLAINS
ADDRESS ONLY**

260 MADISON AVENUE, 16TH FLOOR

Application denied.

The Clerk of Court is respectfully directed to terminate the motion sequence pending at Doc. 172.

SO ORDERED.

A



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
April 9, 2024

Via CM/ECF

Honorable Philip M. Halpern, U.S.D.J.
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

- Re: 1) Campbell v. Plant Health Intermediate, Inc.
Case No.: 19-cv-03017 (PMH) ("Action No. 1")
- 2) Plant Health Intermediate, Inc. v. Campbell, et al.
Case No.: 20-cv-07249(PMH) ("Action No. 2")
- 3) Campbell v. Douglas Products and Packaging
Company LLC
Case No.: 21-cv-07920 (PMH) ("Action No. 3")

Dear Judge Halpern:

We represent Nicole Campbell, as Seller Representative, Rupert Campbell, and Clare Reinbergen (collectively, "Sellers"). We write concerning an extension of the dates: i) that the parties are to file the documents required by Rules 6(A) and 6(B) of Your Honor's Individual Practices in Civil Cases; ii) that the parties are to file opposition to any motions *in limine*; and iii) the date for a pre-trial conference. The request is joined concerning the pre-trial documents and opposition to motions *in limine* by counsel for Plant Health Intermediate, Inc. and Douglas Products and Packaging Company LLC (collectively, "Douglas"), and they otherwise take no position concerning the date for a pre-trial conference.

The parties jointly requested an extension of the dates concerning pre-trial documents and oppositions to any motion *in limine* so that the parties could engage in a global settlement of all disputes with the assistance of Magistrate Judge McCarthy prior to making those submissions. After Your Honor granted the parties' request, in part, Magistrate Judge McCarthy set a settlement conference for May 15, 2024, which was after the parties' submissions to Your Honor would be made.

Subsequently, counsel for the parties met and conferred and thereafter engaged in communications with Magistrate Judge McCarthy's chambers. Magistrate Judge McCarthy provided the parties with her next available date, May 1, 2024, and granted a letter motion to advance the date of the settlement conference to May 1, 2024.

In light of the date of the settlement conference being after the current dates to submit papers to Your Honor, the parties are requesting that the dates for pre-trial filings and oppositions to motions *in limine* be extended so that the parties can focus their time and resources on a global settlement of all dispute and avoid expending monies on preparing the case for trial.

As required by Rule 1(C) of Your Honor's Individual Practices in Civil Cases, counsel for the parties state as follows:

(1) Original Dates: Currently, the parties are to: i) file the documents required by Rules 6(A) and 6(B) of Your Honor's Individual Practices in Civil Cases by April 29, 2024; ii) file opposition to any motions *in limine* by May 13, 2024; and iii) attend a pre-trial conference on June 17, 2024 at 12:00 pm.

(2) Reason for Request: In light of the May 1, 2024 settlement conference date, the parties are requesting that the dates for pre-trial submissions be extended so that global settlement negotiations before Magistrate Judge McCarthy be held prior to the time that the parties would have to expend monies on preparing the case for trial. The Sellers' request that the pre-trial conference be adjourned is made so that any extension of the dates for pre-trial submissions does not conflict with the time Your Honor may need to review such submissions prior to a pre-trial conference.

(3) Number of Prior Requests and Result: This is the second request to extend the deadlines for the pre-trial submissions, which was previously granted in part. This is the first request by Sellers to extend the date for the pre-trial conference.

(4) Consent: Counsel for Douglas consents to the request concerning the two pre-trial submission dates and does not take a position on the request to extend the pre-trial conference.

The following new dates are jointly proposed:

(1) Pretrial documents required by Rules 6(A) and 6(B) of Your Honor's Individual Practices in Civil Cases shall be filed by May 17, 2024; and

(2) Opposition to any motion *in limine* shall be filed by May 31, 2024.

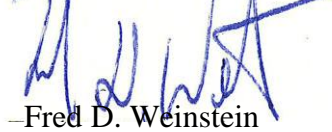
Sellers propose July 17, 2024, if available, as the date for the pre-trial conference. Should Your Honor grant Sellers' request to extend the date for the pre-trial conference, Sellers propose:

(1) Pretrial documents required by Rules 6(A) and 6(B) of Your Honor's Individual Practices in Civil Cases shall be filed by June 3, 2024; and

(2) Opposition to any motion *in limine* shall be filed by June 17, 2024.

We thank Your Honor for your time and consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Fred D. Weinstein', is written over a horizontal line.

—Fred D. Weinstein

cc: Opposing counsel (via CM/ECF)